

22. S/1396/03/F - OVER
VARIATION OF CONDITION 2 OF PLANNING PERMISSION REF: S/0894/00/F TO
ALLOW 0730 HOURS START ON WEEKDAYS, RIVERVIEW FARM, OVERCOTE
ROAD FOR M J NORMAN

SITE AND PROPOSAL

Riverview Farm is located at the western end of Overcote Road, to the east of the Great Ouse. The farmyard and farmhouse are situated on the southern side of the road, almost opposite three bungalows, Greenfields, The Bungalow and Riverside. The farmyard consists of a series of former agricultural buildings of different sizes and styles erected over a number of years and arranged along the eastern boundary of the site. The majority of the buildings are used for commercial purposes pursuant with a planning permission granted in November 2000.

The full application received the 29th May 2003 proposes variation of Condition 2 of planning permission ref S/0894/00/F to allow 0730 hours start on weekdays in perpetuity ie an extra half an hour time extension in the mornings.

In a covering letter the agent adds “The tenants of the buildings to which this restriction applies, benefit greatly from the additional half-hour start in the mornings. It enables a more efficient working practice and avoids conflict with school traffic etc through the village. We are not aware of any environmental harm that has arisen as a direct result of the 2002 temporary consent.

We are guided by Circular 11/95 (Use of Conditions in Planning Permissions). The trial twelve-month period has shown that the extended hours of use are appropriate in this location and planning permission should be granted in perpetuity.”

PLANNING HISTORY

Planning Permission (part retrospective) was granted to change the use of the majority of the agricultural buildings on site to B1/B8 use in November 2000, following a site visit by Members. The remaining building at the southern end of the site was granted a retrospective planning permission for an engineering business earlier the same year. In February 2001 the occupiers of Unit 5 were given a 9 month temporary consent to operate from 7.00am on the site Monday-Saturday (Item 23 – 7th February 2001). The firm has since left the site.

In September 2002 planning permission was granted for a temporary period of 1 year for the 0730 start on weekdays (See Appendix 1 – Agenda Item September 2002).

PLANNING POLICY

Policy ES6 of Local Plan No 2: Proposed Modifications 2002 states the Council will seek, by means of appropriate planning conditions, to minimise the impact of noise and pollution on noise sensitive development arising from the industrial, commercial or recreational activities.

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CONSULTATIONS

Over Parish Council approves the application. “One councillor suggested a code of practice be introduced for vehicles on the approach road.”

The Chief Environmental Health Officer comments

“Three noise assessments in accordance with BS4142 were undertaken on the 8th, 10th and 15th July 2003.

The results of these assessments have demonstrated that the light traffic flows in and out of the site between 7.30am to 8.00 am has had a marginal effect on the noise climate at Greenfields. Therefore, I have no objections to the current activities being undertaken at Riverview Farm between these times.

However, because of the low background noise levels in the locality, I must advise that any intensification of the use at the site may have a significant effect on the noise between these times. I would therefore recommend that any permission granted for a 7.30am start be personalised and linked to Mr Norman’s ownership of the site. This would allow us the opportunity to reassess noise levels should there be any change and therefore intensification of use at the site, stemming from new ownership.”

REPRESENTATIONS

2 letters have been received from the owners “Greenfields” and “Riverside”, two bungalows to the west of the site entrance.

1. They have consistently objected to the increased commercial use of the site.
2. The hours of use condition have been violated and can be corroborated by video/diary evidence.
3. Vehicles have been entering the site before 0730 hours, causing unacceptable noise disturbance.
4. Extending the permitted hours to allow a 0730 hours start has led to unacceptable noise disturbance and should not be made permanent.

PLANNING COMMENTS

Following the grant of a 1 year temporary permission last September both the Enforcement Officer and the Area Environmental Health Officer have monitored the site to assess the impact of the 0730 hours start, compared with the 0800 hours limitation previously imposed.

The Enforcement Officers brief was to record the time of vehicle arrivals and a description of each vehicle. 5 visits were made to the site. Some difficulty was experienced in differentiating between vehicles visiting the premises on the application site and the engineering workshop to the rear of the site, which has an earlier planning permission unencumbered by an hours of work condition and shares the same access. Nevertheless, the number of vehicles arriving before 0730am ranged from 2-5 on each occasion, the majority arriving between 0725-0730am. On the two occasions the site was monitored between 0730-0800 am 8 and 9 vehicles were recorded. On the two occasions the site was monitored from 0730-0745 am 3

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and 4 vehicles were recorded. On one occasion monitoring took place between 0730-0750am and 2 vehicles were recorded. During the whole period of monitoring ie. 0640 (average) am to 0745-0800 am only 3 lorries were recorded; the majority of the vehicles being vans and cars.

The Environmental Health Officer made noise assessments on three separate visits in July 2003. These assessments demonstrated that the light traffic flows in and out of the site between 0730-0800 am had a marginal effect on the noise climate at the nearest dwelling. Therefore no objections would be raised to the current activities being undertaken on the application site between these times.

A caveat is added that because of the low background noise levels in the locality, any intensification of the use of the site may have a significant effect on the noise level between these times, and therefore it is recommended that the permission is made personal to the site owner to allow noise levels to be reassessed should there be any intensification in the use of the site, stemming from new ownership.

I do not consider a personal condition would be justified or appropriate in this case. The original permission for the use of the site is not subject to a personal condition and Government advice is generally to avoid the use of personal conditions and to determine applications on land use considerations. Should complaints about noise arise in the future through changes of ownership/occupation these would be investigated by the Environmental Health Officer in the normal way and an assessment made of whether any action needed to be taken. Several improvements in working procedures/insulation have been carried out on the site following previous neighbour concerns.

RECOMMENDATION

Approval

1. The use hereby permitted shall not be carried out on site before 0730 hours on weekdays and 0800 hours on Saturdays, nor after 1830 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays.
(Reason - To minimise disturbance to neighbouring residential properties.)
2. All machinery operations must only take place within the buildings with openings in the noise sensitive direction (ie towards residential properties to the north and west) fully closed.
(Reason - To minimise disturbance to neighbouring residential properties.)
3. An adequate space shall be permanently provided and maintained within the site to enable HGV's to enter and leave in forward gear and to park, load and unload.
(Reason - In the interests of highway safety.)

INFORMATIVES

1. No amplified music should be played on site.
2. No vehicles should be left unattended with their engines running.
3. All new buildings that are to be used by the public must, where reasonable and practicable, be accessible to disabled persons and provide facilities for them.

The applicant's attention is therefore drawn to the requirements of the Building Regulation 2000 (as amended) with respect to access for disabled people.

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4. The applicant's attention is drawn to the requirements of the Party Wall etc. Act 1996 if works are proposed to a party wall.

ENVIRONMENT AGENCY INFORMATIVES

1. All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
2. The maximum acceptable depth for soakaways is 2 metres below existing ground level.
3. Only clean uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
4. The foul drainage from the proposed development may be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS6297: 1983 and which complies with the following:-
 - (a) there is no connection to any watercourse or land drainage system and no part of the soakaway is situated within 10 metres of any ditch or watercourse, or within 50 metres of a well, borehole or spring.
 - (b) Porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297: 1983 refers).
5. The applicant must ensure that there is no discharge of effluent from the site to any watercourse or surface water drain or sewer.
6. Only domestic sewage should be discharged to a septic tank.
7. Trade effluent shall not be discharged to a septic tank.
8. The Environment Agency's comments on private drainage systems are made only on the understanding that no public foul sewer is available to serve the development.
9. Preferably, all foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning shall be discharged to the foul sewer.
10. Any facilities, above ground, for the storage of oils, fuels or chemical shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.
11. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water, sewer or soakaway.
12. Any vehicles wash water including steam cleaning effluent should be contained in a sealed vessel and either recirculated or disposed of off-site. A dedicated area, graded to ensure wash water is directed to the discharge point, should be provided.
13. The developer should consult with the Environment Agency on measures for the prevention of pollution, with particular reference to the delivery, storage and use of oils, chemicals and pesticides, the disposal of surface water and the drainage of vehicle washing areas.

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14. Facilities should be provided to ensure that waste oil is stored and disposed of in a manner that will not lead to pollution.
15. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.